

### **REMARKS**

Claims 1-2, 4-5, 7, 9, 17, 29-30, and 48-60 are pending in this application. As no new matter has been added, Applicants respectfully request entry of these remarks at this time.

### **THE REJECTION UNDER 35 U.S.C. §§ 102 & 103**

Claims 1, 2, 4-5, 7, 9, and 17 were rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,548,618 to Sullivan *et al.* for the reasons provided on pages 2-4 of the Office Action. In addition, the Examiner rejected claims 30 and 55-57 under § 103(a) as being obvious over Sullivan as provided on pages 4-5 of the Office Action. The Examiner also rejected claim 54 under § 103(a) as obvious over Sullivan in view of U.S. Patent No. 4,288,586 to Bock *et al.* as stated on pages 5-6 of the Office Action. Finally, claims 29, 48-53, and 58-60 were rejected under § 103(a) as obvious over Sullivan in view of U.S. Patent No. 6,174,984 to Peter as provided on pages 6-7 of the Office Action.

According to MPEP § 2136.05, a 35 U.S.C. § 102(e) rejection, or a § 103(a) rejection based on a § 102(e) reference, can be overcome by antedating the filing date of the reference by submitting an affidavit or declaration under 37 C.F.R. § 1.131. MPEP § 2136.05. In light of this instruction, Applicants respectfully submit that Sullivan is not prior art to the present invention as defined under 35 U.S.C. § 102(e). In particular, the subject matter of the present application was conceived of prior to the April 25, 2001 filing date of the Sullivan reference.

In support of this position, Applicants attach herewith the Kuntimaddi Declaration, as well as supporting documentation, that was previously submitted with a Response to Final Office Action filed on August 8, 2005 ("Aug. 8, 2005 Response"). As explained in the Aug. 8, 2005 Response, the Kuntimaddi Declaration demonstrates conception and reduction to practice of the invention, as presently claimed, before the October 1, 1999 effective filing date of the Kennedy patent, which is well before the April 25, 2001 effective filing date of Sullivan. For example, Exhibit A includes an invention record setting forth details of a RIM process using low viscosity materials, *i.e.*, isocyanates and polyols, for fast-reacting polyurethane systems to produce golf ball components.

Thus, Exhibit A demonstrates that the invention recited in the pending claims was conceived and reduced to practice prior to the filing date of the Sullivan reference. In light of the Kuntimaddi Declaration, Applicants respectfully submits that, since Sullivan is not prior art under 35 U.S.C. § 102(e), the rejections under 35 U.S.C. §§ 102(e) and 103(a) based thereon have been overcome.

Furthermore, because Sullivan is not available as prior art to the present invention, the secondary references alone, or in any combination, do not support a proper anticipation or obviousness rejection. In fact, the Examiner appears to cite Bock to remedy Sullivan's silence with regard to the percent of isocyanate groups in a polyisocyanate. Likewise, Peter is cited merely for its disclosure of low free isocyanate monomers. None of these references disclose or suggest the present invention. As such, Applicants respectfully request that the §§ 102 and 103 rejections be reconsidered and withdrawn.

### CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

No fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Swidler Berlin LLP Deposit Account No. 195127, Order No. 20002.0350.

Respectfully submitted,  
SWIDLER BERLIN LLP

Dated: February 2, 2006

By: Stephanie D. Scruggs  
Stephanie D. Scruggs, Registration No. 54,432  
SWIDLER BERLIN LLP  
3000 K Street, NW, Suite 300  
Washington, D.C. 20007  
(202) 424-7755 Telephone  
(202) 295-8478 Facsimile